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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,590	07/17/2003	Peter Emig	103832-434-NP	2612

24964 7590 04/20/2006

RICHARD I. SAMUEL  
GOODWIN PROCTER L.L.P  
599 LEXINGTON AVE.  
NEW YORK, NY 10022

EXAMINER

WARD, PAUL V

ART UNIT PAPER NUMBER

1624

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Priority***

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. The provisional application, 60/396,683 upon which priority is claimed provides adequate support under 35 U.S.C. 112 for claims 1-18 of this application. Thus, the effective filing date of this application is July 17, 2002.

### ***Election/Restrictions***

Applicant's election of Group I in the reply filed on January 27, 2006, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Groups II-XII are withdrawn from further consideration pursuant to 37 CFR 1.152(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant is entitled to have the method claims (Groups V and IX), which are commensurate in scope with the elected invention, rejoined. An amendment, which results in the method claims being commensurate in scope with the allowed claims, will be welcomed.

Applicant reserved the right to file a divisional application to the non-elected subject matter.

An action on the merits of Group I (claims 1-10) is contained herein.

**Conclusion**

This application is in condition for allowance except for the presence of non-elected subject matter in the claims.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

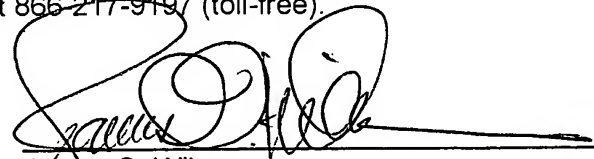
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

The compounds in Group I was neither found to be obvious nor anticipated by the prior art of record. The prior art does not teach or suggest aryl-substituted and heteraryl-substituted aromatic piperazinyl carbonyl anthracenes, and thus, does not teach or suggest the presently claimed compound.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL V. WARD whose telephone number is 571-272-2909. The examiner can normally be reached on M-F 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Wilson  
Supervisory Patent Examiner  
Technology Center 1600